

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department

Legal Affairs Branch

Notification

LD/8/3/85-L.A.B.

The Compulsory Deposit Scheme (Income-Tax Payers) Amendment Act, 1985 (No. 25 of 1985); the Union Duties of Excise (Distribution) Amendment Act, 1985 (No. 26 of 1985); the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1985 (No. 27 of 1985) and the Estate Duty (Distribution) Amendment Act, 1985 (No. 28 of 1985) which were passed by Parliament and assented to by the President of India on the 30th March, 1985 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 30-3-1985, are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 18th June, 1985.

The Compulsory Deposit Scheme (Income-Tax Payers) Amendment Act, 1985

AN

ACT

further to amend the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. Short title.— This Act may be called the Compulsory Deposit Scheme (Income-tax Payers) Amendment Act, 1985.

2. Amendment of section 8.— In section 8 of the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974, in sub-section (1),—

(a) in the proviso, for the words "Provided that" the words "Provided further that" shall be substituted;

(b) before the proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that no depositor shall be entitled to withdraw before the expiry of the financial year 1985-86 any amount which, in accordance with the foregoing provisions of this sub-section, is repayable or payable during that financial year and the provisions of sub-section (2) shall apply in relation to such amount as they apply in relation to any amount referred to in that sub-section."

The Union Duties of Excise (Distribution) Amendment Act, 1985

AN

ACT

further to amend the Union Duties of Excise (Distribution) Act, 1979.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Union Duties of Excise (Distribution) Amendment Act, 1985.

(2) It shall come into force on the 1st day of April, 1985.

2. Amendment of long title of Act 24 of 1979.— In the Union Duties of Excise (Distribution) Act, 1979 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters "interim report dated the 14th day of November, 1983", the words, figures and letters "report dated the 30th day of April, 1984" shall be substituted.

3. Substitution of new section for section 2.— For section 2 of the principal Act, the following section shall be substituted, namely:—

2. Definition.— In this Act, the expression "distributable Union duties of excise" means,—

(a) in respect of the financial year commencing on the 1st day of April, 1984, forty per cent. of the net proceeds of Union duties of excise, other than on electricity,

(b) in respect of each of the financial years commencing on or after the 1st day of April,

1985, forty-five per cent. of the net proceeds of Union duties of excise,

levied and collected under the Central Excises and Salt Act, 1944, and any other law for the levy and collection of such duty, unless the law earmarks the proceeds of the duty for any special purpose. 1 of 1944.

Explanation.—The expression “net proceeds” has the same meaning as in clause (1) of article 279 of the Constitution.

4. Amendment of section 3.—Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and —

(a) in sub-section (1) as so re-numbered, for the words “be distributed, provisionally,” the words “be distributed” shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) During the financial year commencing on the 1st day April, 1985 and each of the three succeeding financial years, there shall be paid, out of the Consolidated Fund of India, to the States sums equivalent to the distributable Union duties of excise levied and collected in that year, and,—

(a) eight-ninths of the sums so payable during each such financial year shall be distributed to each of the States specified in column (1) of Table I below in such percentage as is set out against it in column (2) thereof; and

(b) one ninth of the sums so payable during each such financial year shall be distributed to each of the States specified in column (1) of Table II below in such percentage as is set out against it in column (2) thereof with respect to that financial year.

TABLE I

State	Percentage
(1)	(2)
Andhra Pradesh	8.587
Assam	2.977
Bihar	13.202
Gujarat	3.506
Haryana	1.017
Himachal Pradesh	0.589
Jammu and Kashmir	0.856
Karnataka	5.077
Kerala	3.800
Madhya Pradesh	8.852
Maharashtra	6.216
Manipur	0.233
Meghalaya	0.194
Nagaland	0.096
Orissa	4.592
Punjab	1.317
Rajasthan	4.695
Sikkim	0.039
Tamil Nadu	7.317
Tripura	0.292
Uttar Pradesh	19.097
West Bengal	7.449

TABLE II

State	Financial year and percentage			
(1)	(2)			
	1985-86	1986-87	1987-88	1988-89
Assam	12.578	12.713	13.418	12.023
Himachal Pradesh	11.528	12.914	14.098	16.475
Jammu and Kashmir	16.661	17.818	18.560	20.254
Manipur	7.742	8.722	9.545	11.217
Meghalaya	6.180	6.944	7.570	8.863
Nagaland	9.944	11.240	12.371	14.482
Orissa	8.154	5.457	3.109	0.598
Sikkim	1.836	2.051	2.232	2.593
Tripura	9.104	10.207	11.162	12.956
West Bengal	16.273	11.934	7.935	0.539.

The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1985

AN

ACT

further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1985.

(2) It shall come into force on the 1st day of April, 1985.

2. Amendment of long title of Act 58 of 1957.—In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters “interim report dated the 14th day of November, 1983”, the words, figures and letters “report dated the 30th day of April, 1984” shall be substituted.

3. Amendment of Second Schedule.—In the principal Act, in the Second Schedule,—

(a) in paragraphs 1, 2 and 3, the word “provisionally” shall be omitted;

(b) after paragraph 3, the following paragraph shall be inserted, namely:—

“4. Sugar, tobacco and fabrics. — During each of the financial years commencing on and after the 1st day of April, 1985, there shall be paid to each of the States specified in column 1 of the Table below such percentage of the net proceeds of additional duties levied and collected during that financial year in respect of sugar, tobacco, cotton fabrics, silk fabrics, woollen fabrics and man-made fabrics after deducting therefrom a sum equal to 2.391 per cent. of the said proceeds as being attributable to Union territories, as is set out against it in column 2:

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of sugar, tobacco, cotton fabrics, silk fabrics, woollen fabrics and man-made fabrics or one or more of them by or

under any law of that State, no sums shall be payable to that State under this paragraph in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State	Percentage
(1)	(2)
Andhra Pradesh	7.504
Assam	2.566
Bihar	8.627
Gujarat	5.941
Haryana	2.488
Himachal Pradesh	0.663
Jammu and Kashmir	0.853
Karnataka	5.561
Kerala	3.963
Madhya Pradesh	6.942
Maharashtra	11.461
Manipur	0.178
Meghalaya	0.183
Nagaland	0.098
Orissa	3.653
Punjab	3.675
Rajasthan	4.827
Sikkim	0.039
Tamil Nadu	7.549
Tripura	0.287
Uttar Pradesh	14.318
West Bengal	8.624

The Estate Duty (Distribution) Amendment Act, 1985

AN

ACT

further to amend the Estate Duty (Distribution) Act, 1962.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1985.

(2) It shall come into force on the 1st day of April, 1985.

2. **Amendment of long title of Act 9 of 1962.**—In the long title of the Estate Duty (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the words, figures and letters “interim report dated the 14th day of November, 1983”, the words, figures and letters “report dated the 30th day of April, 1984” shall be substituted.

3. **Amendment of section 3.**—In section 3 of the principal Act, in sub-section (1),—

(a) for the words, figures, and letters “the financial year commencing on the 1st day of April, 1984”, the words, figures and letters “each of the financial years commencing on and after the 1st day of April, 1984” shall be substituted;

(b) for the words “be distributed, provisionally,” the words “be distributed” shall be substituted.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LA/B/1898/85

In exercise of the powers conferred on him by Rule-127 of the Rules of Procedure and Conduct of business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Official Languages Bill, 1985

(Bill No. 29 of 1985)

A

BILL

to declare the Official languages for the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Goa, Daman and Diu Official Languages Act, 1985.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires:—

(a) “Government” means the Government of Goa, Daman and Diu;

(b) “Gujarathi” means the Gujarathi language included in the Eighth Schedule of the Constitution of India.

(c) “Konkani” means the Konkani language in Devanagari Script.

(d) “Marathi” means the Marathi language included in the Eighth Schedule of the Constitution of India.

(e) “notification” means a notification published in the Official Gazette of the Government of Goa, Daman and Diu.

3. **Official languages for the official purposes of the Union territory.**—Subject to the provisions of this Act, Marathi and Konkani in relation to the District of Goa and Gujarathi in relation to the District of Daman and Diu shall be the languages to be used for all official purposes of the Union territory.

Exemption.—The Government may by notification specify that the above languages or any of them shall not be the official language or languages for purposes specified in the notification.

4. **Laying of notification on the table of the Legislative Assembly.**—Every notification issued

under this Act shall be laid, as soon as may be after it is issued, on the table of the Legislative Assembly while it is in session for a period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agree in making any modification in the notification or agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that notification.

Statement of Objects and Reasons

The question of declaration of an official language for the Union Territory of Goa, Daman and Diu was the burning issue ever since the Liberation of this Territory from the clutches of Portuguese. The people in Goa were sharply divided into two groups; one declaring that Marathi was the mother tongue of Goa and Konkani was its dialect while the other group maintained that Konkani was the mother tongue of Goans and that Marathi was alien to this Territory. The controversy raged for more than 20 years and is still smouldering to some extent. Konkani received the recognition of Sahitya Academy in the year 1974 and since then a large section of people decided to bury the hatchet and accept both Konkani and Marathi as languages of Goans. The M.G. Party which ruled this Territory for more than 17 years believed for major part of its tenure in Government that Marathi was the mother tongue of Goans and that Konkani was its dialect. The members of this party underwent a change in ideology since the decision of opinion poll in the year 1967. The party later adopted the dual language policy. The party amended its Constitution in its historic plenary session held in December, 1983 at Panaji and officially declared that Marathi and Konkani were the languages of Goan people. There was no controversy as regards Daman and Diu as Gujarathi was accepted as their language. The advent of Indian National Congress (URS) to power in the year 1980 and their subsequent enbloc merger in Indian National Congress (I) brought to the fore the demand to declare Konkani as the official language of Goans. Two attempts were made in the recent past to declare Konkani as the official language of Goa. The first attempt was made through Bill No. 6 of 1982 moved by H. Dourado then member of the House and the second attempt was made through an identical Bill No. 16 of 1985 moved by L. Faleiro. During the discussion of the first Bill, the House saw the division of opinion on the issue and the members of the House were generally of the opinion, irrespective of their party affiliations that Konkani alone will not be accepted as the official language of the Union Territory. Shri R. D. Khalap suggested to have an amendment with an intention to recognise both Marathi and Konkani as official languages of Goa and Gujarathi as the official language of Daman and Diu. Shri Khalap moved an amendment to the motion of consideration of Shri Dourado's Bill that the Bill be referred to Select Committee of the House to study its repercussions and to report upon the necessity of declaring Marathi and Konkani as the official languages of Goa and Gujarathi as the official language of Daman and

Diu. Though the opposition party then had infinitesimal strength (only 2 members of opposition out of 30 members), the suggestion received an unprecedented support of the members of the House and the Bill was referred to the Select Committee. This Bill lapsed with the dissolution of Fifth Legislative Assembly. Mr. Faleiro's Bill also went through rough weather. It was opposed tooth and nail by the members of the ruling party and the deliberation showed that the one time protagonists of Konkani had made some heart searching and realised that Konkani alone could not form the official language of Goa.

In fact the statistics of Department of Education of Goa shows that a large majority of students at the level of Primary Education study through Marathi Medium. The strength of students studying Konkani at Primary level is dismally low compared to the Marathi students. Except for one Konkani language Daily which is also still tottering all other regional language Dailies are published through Marathi. The circulation of Marathi Newspapers and periodicals is itself an indication of the importance which Goans attach to Marathi. For the majority of Hindus who form the bulk of Goan population, Marathi is the language of their hearts and language of their Gods. Konkani is similarly loved and adored by the remaining section of Goan population bulk of whom form the Christians. Thus the two languages have the capacity to make or mar the harmony and brotherhood and feeling of tolerance for which this land is so well known. This is the rationale behind the present Bill which seeks to declare Marathi and Konkani as the official languages of Goa and Gujarathi as the official language for the Districts of Daman and Diu.

It may be profitably said here that the objects of the Bill have unanimous support of the House.

"Some people have been labouring under a misapprehension that the declaration of dual or triple language policy for the Union Territory may effect the prospects of attaining Statehood to this Territory."

I, therefore, quote Section 34 of the Union Territories Act and Article 345 of the Constitution of India which should allay this fear for all times to come.

Section 34(1) of the Union Territories Act, 1963. — "The Legislative Assembly of the Union Territory may by law adopt any one or more of the languages in use in the Union Territory or Hindi as the official language or languages to be used for all or any of the official purposes of the Union Territory."

Article 345 of the Constitution of India. — "..... the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purpose of that State."

This Bill seeks to cement the age old bond of friendship, fraternity, love and comradeship existing between the various sections of our population. The principle is to allow those who cherish Marathi to continue to deal in that language, and to permit those who believe in Konkani to continue to cherish and develop it. "Live and let others live" is the motto of this Bill.

Goa has been described as a jewel in the lap of mother India. Let us preserve it through cultural and linguistic tolerance and impart to it greater brilliance through love and affection.

• Financial Memorandum

Clause 3 of the Bill empowers the Government to exempt the use of Official Languages for the purposes as specified by them. Thus the Bill can be implemented step by step by making provision for establishment, etc., under the budget already allotted and the Bill does not involve any immediate additional expenditure for its implementation.

Memorandum regarding Delegated Legislation

The exception to Clause 3 of the Bill delegated to the Government the power to exempt the use of official language for such purposes as it may specify by notification.

Panaji,

16th September, 1985.

Assembly Hall,
Panaji,

25th September, 1985.

RAMAKANT D. KHALAP
M. L. A.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu.